

MEMO ENDORSED

December 17, 2021

The application is x granted
 denied

via ECF

Hon. Edgardo Ramos
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Edgardo Ramos, U.S.D.J.

Dated: 12/17/2021

New York, New York

Re:*Xia, et al. v. 65 West 87th Street Housing Development Fund Corporation et al.,*
Case No. 1:20-cv-03576 (ER)

Dear Judge Ramos:

We represent the Defendants in the above-referenced action. The Court's December 1st order directed the undersigned and Samantha Pinkowitz's counsel to submit a proposed protocol for taking Ms. Pinkowitz' testimony by written deposition. We write to request a brief extension of time, to December 23, 2021, to submit the proposed protocol. This extension is necessary to allow Ms. Pinkowitz' counsel to confer with her physician.

Defendants have provided a proposed protocol to Ms. Pinkowitz' counsel. The protocol provides for Ms. Pinkowitz to be deposed by written questions, consistent with FRCP 31 under a time frame where the deposition will be complete in or around mid-February. Ms. Pinkowitz' counsel has advised that Ms. Pinkowitz' step-father objects to her being required to respond to questions orally. Ms. Pinkowitz' counsel would like to confer with Ms. Pinkowitz' physician as to her current health status and any issues that providing oral responses might raise, but has been unable to do so as yet. For this reason, we request a brief extension.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Jacqueline L. Aiello

Jacqueline L. Aiello

Cc: Alanna Kaufman, Esq. (*via* ECF)
Bruce Cholst, Esq. (*via* email on consent)

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